Murphy Spadaro & Landon

ATTORNEYS

1011 CENTRE ROAD, SUITE 210

WILMINGTON, DELAWARE 19805

PHONE 302.472.8100

FAX 302.472.8135

302.472.8101

jspadaro@msllaw.com

April 22, 2005

BY ELECTRONIC FILING
The Honorable Kent A. Jordan
United States District Court
844 North King Street, Room 4209
Wilmington, DE 19801

> RE: **Eames v. Nationwide Mut. Ins. Co.**
> **C.A. No.: 04-CV-1324KAJ**

Dear Judge Jordan:

We represent the Eames plaintiffs in this proposed class action. On October 19, 2004, we moved to remand the case to Superior Court. The Court heard oral argument on January 5, 2005, and ordered two rounds of supplemental briefing at that time. Our first surreply on the motion to remand was filed on January 19, 2005; our second surreply was filed on January 26, 2005.

We continue to believe that diversity jurisdiction is not present here, and the case should be proceeding even now in Superior Court. If we can assist the Court in resolving our motion to remand, we hope the Court will call upon us to do so.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr
enclos.
cc: Curtis P. Cheyney, III, Esq. (by electronic filing)

119782

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

THOMAS A. EAMES, ROBERTA L. EAMES   )
and TAMMY EAMES, on behalf of   )
themselves and all others   )
similarly situated,   )
)
         Plaintiffs,   )   C.A. No. 04-CV-1324KAJ
)
v.   )
)
NATIONWIDE MUTUAL INSURANCE   )
COMPANY,   )
)
         Defendant.   )

NOTICE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing document with the

Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Nicholas E. Skiles, Esq.
Swartz Campbell LLC
300 Delaware Avenue, Suite 1130
P.O. Box 330
Wilmington, DE 19899

MURPHY SPADARO & LANDON

/s/ John S. Spadaro
John S. Spadaro, No. 3155
1011 Centre Road, Suite 210
Wilmington, DE 19805
(302) 472-8100

Attorneys for plaintiffs
Thomas A. Eames, Roberta L. Eames and
Tammy Eames (on behalf of themselves and
all others similarly situated)

April 22, 2005

119542